

Members of the House Judiciary Committee:

My name is Rachel Kercher and I am the Youth Services Librarian at the Leach Public Library in Wahpeton. I am writing to urge you to vote “do not pass” on bill 2360. This bill is poorly written and overreaching.

The first half of this bill deals with preventing minors from seeing books displayed that include written and visual depictions of nudity and sexually explicit content. I agree with this. Young children do not need to see or read about nudity or the sexual activities that would interest adult patrons. Plenty of libraries have separate children’s, teen, and adult collections to prevent this. Unfortunately, there is no way to prevent minors from entering the adult areas of the library. We are a public library, not a prison. Very young children often enter the adult collection area with their parents. Middle and High School-aged children sometimes checkout materials from the adult fiction section or use the adult non-fiction section to help with school projects. There is no way to prevent minors from accidentally coming across this information.

The second half of this bill deals with library databases, which is a completely separate subject and should be handled separately. By federal law, libraries and schools are required to have CIPA filters on their computers, and while no filter is perfect the ones in North Dakota libraries (which are provided by DPI) do a very good job. We have not had a problem in my library in the ten years that I have worked here. Problems arise by trying to police database creators and providers. Libraries will be required to withhold payments and submit provider names to the state attorney general for non-compliance? This is a fine idea, until you consider that the creators and providers of our databases are not located in North Dakota and are therefore not subject to North Dakota law. They have no obligation to comply, so how is this expected to work? Is there a plan to enforce this tremendous overreach? Or will librarians and teachers be punished for something they have no control over?

Please vote “Do not pass” on this bill.